

PAUL HASTINGS

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October 17, 2018

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VIA ECF

Hon. Cheryl L. Pollak
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Jibowu v. Target Corp.*, U.S.D.C., E.D.N.Y., No. 1:17-cv-03875(PKC)(CLP)

Dear Magistrate Judge Pollak:

We write in connection with plaintiff Priscilla Jibowu's letter of October 10, 2018 (Dkt. No. 47), which attached Ms. Jibowu's deposition transcript in full (Motion to Seal filed at Dkt. No. 46).

Under the parties' Stipulation and Discovery Confidentiality Order, a Designating Party generally has seven days from the date of filing of a document in order to move to maintain the document under seal by showing good cause. (Dkt. No. 44 ¶ 10.) This provision would require defendant Target Corporation to identify any confidential provisions of Mr. Jibowu's entire deposition transcript, and prepare a motion to maintain this information under seal, by today.

However, paragraph 5.1(b) of the Confidentiality Order provides that deposition "testimony shall be presumptively treated as if it contained Protected Material for a period not to exceed thirty (30) calendar days from receipt of the transcript by Counsel of record for each of the Parties herein," and "[w]ithin these thirty (30) calendar days, the Parties may identify the specific portions of the testimony as to which protection is sought and designate those portions as 'CONFIDENTIAL' ..." (Dkt. No. 44 ¶ 5.1(b)).

Target received Ms. Jibowu's deposition transcript on September 24, 2018. Therefore, the Confidentiality Order provides that the deposition transcript is presumptively confidential until October 24, 2018.* Target has been reviewing Ms. Jibowu's deposition transcript in order to identify testimony that it will move to retain under seal; however, this process is not yet complete. As the transcript remains presumptively confidential until October 24, and the Confidentiality Order provides a party thirty days for review and identification of confidential testimony, Target asks that the Court retain the transcript under seal until that date, by when Target will submit a motion seeking to retain specified portions under seal.

* In its reply in connection with its letter regarding Ms. Jibowu's deposition, Target incorrectly stated that the deadline to complete review was October 17, 2018. (Dkt. No. 48.) However, as the Confidentiality Order provides for thirty days from the receipt of the transcript, not from the deposition itself, the deadline is in fact October 24, 2018. Target apologizes for this error.

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We thank you for your consideration and attention in this matter.

Respectfully submitted,

Jeffrey D. Wohl

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Attorney for Defendant Target Corporation

cc: All counsel of record